

**FILED**

**AUG 27 2009**

**Clerk, U.S. District and  
Bankruptcy Courts**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STUART NORMAN, JR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, *et al.*, )  
 )  
 Defendants. )

Civil Action No. **09 1631**

**MEMORANDUM OPINION**

This matter is before the Court on plaintiff’s application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint for the reasons stated below.

Plaintiff, a federal prisoner, generally alleges that the prosecutors solicited perjured testimony before the grand jury, that the defendants conspired to effect his criminal conviction, and that the defendants otherwise committed fraud on the sentencing court, resulting in his conviction and current incarceration. For these alleged violations of rights protected by the United States Constitution, plaintiff demands “dismissal of the charges against his person alone with an[] amount of compensation that will be sufficient to send a message to the courts that this kind of illegal conduct will not be condoned,” and “[a]n amount sufficient enough is \$125,000,000.00.” Compl. at 20.

Plaintiff may be awarded damages only if he first establishes that his conviction has been invalidated by “revers[al] on direct appeal, expunge[ment] by executive order, declar[ation of

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invalidity] by a state tribunal authorized to make such determination, or . . . a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); *accord White v. Bowie*, 194 F.3d 175 (D.C. Cir. 1999) (table). Plaintiff does not satisfy this prerequisite and therefore his complaint fails to state a claim upon which relief can be granted. The Court therefore will dismiss the complaint under 28 U.S.C. § 1915A(b)(1). *See, e.g., Leffebvre v. United States Fed. Corp.*, No. 1:07-CV-743, 2007 WL 3389994, at \*1 (E.D. Tex. Nov. 14, 2007) (adopting Magistrate Judge's Report and Recommendation and dismissing suit seeking to recover damages for allegedly unconstitutional imprisonment, or for other harm caused by actions whose unlawfulness would render plaintiff's imprisonment invalid, under *Heck*).

An Order consistent with this Memorandum Opinion is issued separately on this same date.

Date: 8/18/09

  
United States District Judge